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December 14, 2006

**BY E-FILE AND BY HAND**

The Honorable Kent A. Jordan  
United States District Judge  
United States District Court for the  
District of Delaware  
United States Courthouse  
844 North King Street  
Wilmington, Delaware 19801

RE: Cantor, et al. v. Perelman, et al., C.A. No. 97-586  
(KAJ)

Dear Judge Jordan:

I am authorized to state that this letter is being sent jointly on behalf of all parties to the above-captioned action. The parties all wish to offer hearty congratulations on Your Honor's confirmation and impending swearing-in as a judge on the Third Circuit Court of Appeals.

The timing of your elevation does, however, place the parties in this case in a bit of a bind, which is the reason for this letter.

We understand that Your Honor is scheduled to be sworn in tomorrow morning at 10 o'clock. We received word yesterday from your secretary that all of Your Honor's cases will be reassigned. While we understand that the reassignment may take place as early as the middle of next week, we are concerned that with the impending holidays, that time may slip. Moreover, the reassignment will certainly be one of many, and we are therefore concerned that the judge to whom our matter is reassigned may not be immediately aware that we are all working very hard toward a

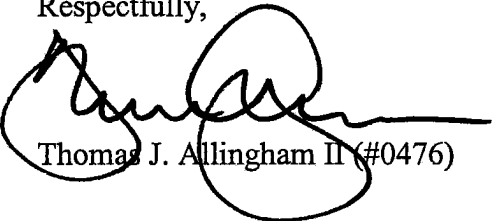
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January 2 trial date. As a result, we are concerned that a very substantial amount of time and effort will be expended by both sides over the holidays on trial preparation work that may turn out to have been unnecessary (and will thus need to be duplicated for a later trial date). As Your Honor can imagine, we particularly do not want to impose that burden on our support staffs and their families if it can be avoided.

Accordingly, we respectfully request that Your Honor postpone the trial date while the matter remains pending before Your Honor, with the trial date to be set by the successor judge. We believe that this is the only certain way to avoid the possibility of procedural limbo, and the resulting necessity of much work for all sides that may prove unnecessary. A proposed form of order is enclosed.

We thank the Court for its consideration of our request at what must be a particularly busy time.

Respectfully,



Thomas J. Allingham II (#0476)

Enclosure

cc: Lawrence C. Ashby, Esquire (By efileing)  
Edward A. Friedman, Esquire (By fax)  
Clerk of the Court (by efileing)